

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

TRACK THREE

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**CVS'S REPLY IN SUPPORT OF ITS OBJECTION TO CERTAIN RULINGS ON  
DEPOSITION DESIGNATIONS AND EXHIBITS BY THE SPECIAL MASTER**

CVS submits this short reply to address plaintiffs' argument that it did not identify the exhibits and testimony from Michelle Travassos's deposition that should be excluded because they relate to programs or systems that were not (or have not yet been) implemented. CVS endeavored to streamline its objection as much as possible and expected that, if the Court sustained the objection, CVS and plaintiffs would be able to work out, without burdening the Court, the pages and exhibits that would be excluded. In any event, the applicable exhibits and testimony are:

- Pages 240-51, 254, and 256-58, and Exhibits 22 and 23, related to a paper checklist; and
- Pages 217-18, 258-59, 262-65, 268-75, and 277-79, and Exhibits 24, 25, and 26, related to additional functionality in CVS's pharmacy computer system.

Copies of these pages and exhibits will be e-mailed separately to Chambers. As discussed in CVS's objection, this evidence should be excluded because it is not relevant to plaintiffs' public nuisance claims.

Dated: October 21, 2021

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky

Alexandra W. Miller

Graeme W. Bush

Paul B. Hynes, Jr.

ZUCKERMAN SPAEDER LLP

1800 M Street NW, Suite 1000

Washington, DC 20036

Tel: (202) 778-1800

E-mail: edelinsky@zuckerman.com

E-mail: smiller@zuckerman.com

E-mail: gbush@zuckerman.com

E-mail: phynes@zuckerman.com

*Counsel for CVS Pharmacy, Inc., Ohio CVS Stores, LLC, CVS TN Distribution, L.L.C., CVS Rx Services, Inc., and CVS Indiana, L.L.C.*